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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,953	07/12/2001	Jeffrey Harden	HAJY.85061	1969
5251	7590	05/31/2006	EXAMINER	
SHOOK, HARDY & BACON LLP INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BLVD KANSAS CITY,, MO 64108-2613			LASTRA, DANIEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,953

Applicant(s)

HARDEN, JEFFREY

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-23 have been examined. Application 09/903,953 (Method of encouraging re-patronage by offering souvenir adornments at different associated business locations method of encouraging re-patronage by offering souvenir adornments at different associated business locations) has a filing date 07/12/2001.

Response to Amendment

2. In response to Non Final Rejection filed 11/16/2005, the Applicant filed an Amendment on 03/13/2006, which amended claims 1, 5, 8-10, 15, 16, 20 and 23.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-12 and 18-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Schlier (US 6,413,617).

As per claim 1, Schlier teaches:

A method of encouraging customer patronage at multiple associated business locations comprising:

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providing an adornment receiving article to a patron (see column 1, lines 55-67; “a shirt”);

providing distinctive adornments to the patron at different business locations of *the multiple associated business locations* (see column 14, lines 5-31) wherein the adornments are attachable to the article (see column 2, lines 6-32; “patches”).

As per claim 2, Schlier teaches:

The method of claim 1 including the step of providing purchase information on one of the adornments or the article (see column 1, lines 55-67; column 14, lines 5-31).

As per claim 3, Schlier teaches:

The method of claim 2 including the step of reading the purchase information at successive business locations (see column 1, lines 55-67; column 13, line 33 – column 14, line 32).

As per claim 4, Schlier teaches:

The method of claim 3 including the step of sharing the purchase information that has been read with other business locations (see column 1, lines 55-67; column 14, lines 5-32).

As per claim 5, Schlier teaches:

The method of claim 3 including the step of analyzing customer behaviors *for at least one of the multiple associated business locations* using the purchase information read from one of said adornments and said article (see column 1, lines 17-30; column 14, lines 5-33).

As per claim 6, Schlier teaches:

The method of claim 1 including the step of encouraging the patron to accumulate a plurality of adornments for an article thereby creating a commemorative article (see column 10, lines 1-20; creating a composite image on an article by attaching different adornments to said article; column 14, lines 5-33).

As per claim 7, Schlier teaches:

The method of claim 6 including the step of providing purchase information on one of the adornments or the article (see column 6, lines 30-40; "name or particular location, its logo or design").

As per claim 8, Schlier teaches:

The method of claim 7 including the step of reading the purchase information at successive business locations (see column 1, lines 19-30) *of the multiple associated business locations* (see column 14, lines 5-33).

As per claim 9, Schlier teaches:

The method of claim 8 including the step of sharing *by the multiple associated business locations* the purchase information that has been read with other business locations (see column 1, lines 19-30) *of the multiple associated business locations* (see column 14, lines 5-33).

As per claim 10, Schlier teaches:

The method of claim 8 including the step of analyzing customer behaviors *for at least one of the multiple associated business locations* using the purchase information read from one of said adornments and said article (see column 1, lines 16-30; column 14, lines 5-33).

As per claim 11, Schlier teaches:

The method of claim 1 including the step of displaying the purchase information on the adornments in an inconspicuous manner (see column 6, lines 30-40).

As per claim 12, Schlier teaches:

The method of claim 11 in which the purchase information provided on the adornments is one or more of the patron's name, purchase time, purchase location, and item purchased (see column 6, lines 30-40; "name of particular location").

As per claim 18, Schlier teaches:

The method of claim 1 including the step of providing geographically significant indicia on each adornment (see column 14, lines 5-30).

As per claim 19, Schlier teaches:

The method of claim 18 including the step of linking the geographically significant indicia with the location at which it was obtained (see column 14, lines 5-30).

As per claim 20, Schlier teaches:

The method of claim 19 including the step of encouraging the patron to visit the multiple *associated* business locations to obtain adornments causing the attachment of adornments from the different business locations to commemorate that patron's travel (see column 14, lines 5-30).

As per claim 21, Schlier teaches:

The method of claim 1 including the step of providing indicia on the article and each particular adornment relating to a particular event (see column 14, lines 5-30).

As per claim 22, Schlier teaches:

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The method of claim 21 in which the particular event has sub-events and each adornment displays indicia of a particular sub-event (see column 14, lines 5-30).

As per claim 23, Schlier teaches:

A method of encouraging customer patronage at multiple associated business locations comprising:

providing an adornment receiving article to the patron (see column 1, lines 50-65; "shirt");

providing distinctively commemorative adornments to patrons at different business locations *of the multiple associated business locations* (see column 14, lines 5-30) contingent on the purchase of a particular product or service the adornments capable of being attached to the article (see column 2, lines 6-32; "patches").

providing information on an adornment (see column 6, lines 30-40);

reading the adornment information at successive business locations *of the multiple associated business locations that are patronized*; and analyzing patron behaviors using the adornment information (see column 1, lines 17-67; column 14, lines 5-30).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

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Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlier (US 6,413,617) in view of Fowler (US 2002/0026348).

As per claims 13 and 14, Schlier teaches:

The method of claim 11 but fails to teach wherein the purchase information on each adornment is provided in machine readable form and the said reading step further includes the step of machine reading the purchase information and electronically recording the purchase information. However, Fowler teaches a system that targets prizes or incentives to users based upon said users' purchase information obtained from said users' identification data. Fowler also tracks the redemption of said prizes or incentives in order to determine the success of said incentive's campaign (see Fowler paragraphs 21 and 86). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Schlier's advertisers would target prizes (i.e. adornments or souvenirs) to users based upon said users' purchase information in order to offer an incentive to said users to visit said advertisers' stores, as taught by Fowler. Schlier's advertisers would be motivated to track users' purchase information based upon said users' identifying data read from adornments or incentives in order to determine the success of said incentive campaign in bringing more business to said advertisers.

As per claim 15, Schlier teaches:

The method of claim 13 but fails to teach including the step of providing a computer network linking the computers at the different business locations *of the*

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multiple associated business locations so that the purchase information can be more efficiently shared. However, Fowler teaches a system where a host computer is link to a plurality of business location for the purpose of obtaining information from said businesses (see Fowler paragraph 21). Therefore, the same applied to claim 13 is also applied to claim 15.

As per claim 16, Schlier teaches:

The method of claim 13 but fails to teach including the step of providing a website on the Internet which receives the purchase information from different business locations *of the multiple associated business locations* and then can be simultaneously shared by the different business locations and its customers. However, Fowler teaches a system that allows customers and merchants to access purchase information via a Web portal (see Fowler paragraph 43). Therefore, the same rejection applied to claim 13 is also applied to claim 16.

As per claim 17, Schlier teaches:

The method of claim 11 but fails to teach wherein the reading step includes the step of manually recording the purchasing information from the adornments. However, the same rejection applied to claim 13 is also applied to claim 17.

Response to Arguments

7. Applicant's arguments filed 03/13/2006 have been fully considered but they are not persuasive. The Applicant argues that there is no teaching in Schlier regarding the separable items or any components of the information card being purchased at different business locations of a group of multiple associated business location. The Examiner

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answers that Schlier teaches in column 14, lines 5-33 that components of the information card are purchased at business locations of a group of multiple business locations, which are Zoos, auto dealerships, tourist attractions, concerts, plays and even manufacturers. All of those businesses are related to a group of multiple business locations, similar to Applicant's claimed invention.

The Applicant also argues that Schlier does not teach the process where distinctive adornments are obtained at different business locations that a consumer is provided with an incentive to repeatedly visit the same business at different geographic locations along a specific customer's travel path, or to visit different business that have some association or alliance with one another, so that the different business benefit from increased consumer patronage among the business. The Examiner answers that the Applicant is arguing about the Applicant's intended use of his claimed invention, however, nowhere in Applicant's claims is recited the limitation of an incentive to increase consumer patronage. Applicant's claim 1 only recites "providing an adornment receiving article to a patron; providing distinctive adornments to the patron at different business locations *of the multiple associated business locations* wherein the adornments are attachable to the article. Furthermore, Schlier teaches in column 14, lines 5-33 that distinctive adornments are obtained at different business locations (i.e. Zoos, tourist attractions) with an incentive to repeatedly visit the same business at different geographic locations along a customer's travel path (i.e. tourist attractions), similar to Applicant's arguments.

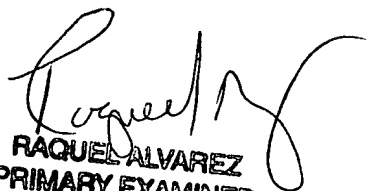
Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.


RAQUEL ALVAREZ
PRIMARY EXAMINER

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Lastra
May 17, 2006